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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/272,642    03/18/99    SCHERPBIER

A    241/085

LM01/0522

DANIEL N YANNUZZI  
LYON & LYON  
633 WEST FIFTH STREET 47TH FLOOR  
LOS ANGELES CA 90071

EXAMINER

RINEHART, M

ART UNIT

PAPER NUMBER

2756

DATE MAILED:

05/22/00

54

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/272,642

Applicant(s)

Scherpbler

Examiner

Mark Rinehart

Group Art Unit

2756



☒ Responsive to communication(s) filed on 3/18/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. This application has been examined. Claims 1-20 are pending.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).  
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).  
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
4. Claims 1-20 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 5,944,791. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are drawn to a broader interpretation of the same subject matter disclosed and claimed in the aforesaid patent which is the parent of the instant application. The claims merely delete elements of the patented claims which is well held to be an obvious modification to one of ordinary skill in the art.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Logan et al.  
Logan et al., in U.S. Patent 5781909, discloses a system for allowing a pilot or *supervisory* computer to cause a passenger or *information display* computer including a *information display* Web browser to display a predetermined or *stored* Web page, comprising: at the *supervisory*

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computer, logic means for transmitting the uniform resource locator (URL) of the *stored* page to a control or *remote computer* site, *remote computer* being a member of the Web; at the *remote computer* site, logic means for retrieving the *stored* page; at the *information display* computer, logic means for transmitting a code or *request* to the *remote* computer; at the *remote* computer, logic means for determining whether the *request* is valid, and if so, transmitting in response an active control to the *information display* computer; and logic means for causing the active control to cooperate with the *information display* Web browser to download to the *stored* Web page from the *remote* computer site, col 3 line 31 - col 6 line 5, FIG 1. The *supervisory* computer may send hypertext transfer protocol (HTTP) documents, applets, imbedded image data, and related files as control information to the *kiosk* computer, which displays stored documents requested from the *remote* computers. If a *kiosk* computer requests a URL from a *remote* computer, the *remote* computer validates the request using control information from the *supervisory* computer, enabling the transfer of updated pages to the *kiosk* computer SUMMARY, col 19 line 48 - col 20 line 25. By this rationale, claim 15 is rejected.

4. Logan et al. additionally disclose the system of claim 15, wherein the *supervisor* computer includes a *supervisor* Web browser, and the system further comprises: at the *supervisor* computer, logic means for receiving an active control or *message* from the *remote* site; and logic means for causing the *message* of the *supervisor* computer to cooperate with the *supervisor* Web browser to download the *stored* Web page from the *remote* site, SUMMARY, col 19 line 48 - col 20 line 25. If the *supervisor* computer receives a request for a URL, the *supervisor* computer web browser sends a *message* to a *remote* computer to validate the web page. By this rationale, claim 16 is rejected.

5. Logan et al. additionally disclose the system of claim 16, further comprising: logic means for encoding hyperlinks from the Web page to other pages on the Web to point to the *remote* site prior to downloading the Web page to the *supervisor* computer; and logic means for disabling

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hyperlinks from the Web page to other pages on the Web prior to downloading the Web page to the kiosk computer, col 6 line 55 - col 9 line 23. The *supervisor* computer encodes and disables hyperlinks by rewriting HTML pages being displayed on the *kiosk* computer. By this rationale, claim 17 is rejected.

6. Logan et al. additionally disclose the system of claim 17, further comprising logic means for determining whether the *supervisor* computer has accessed a secondary or *contents* page, and if so, causing the active control message to the *kiosk* computer to cooperate with the *kiosk* Web browser to display the *contents* page, FIG 1, col 14 line 6 - col 16 line 56. Web content pages are linked to the kiosk computer's *attract* or root page. By this rationale, claim 18 is rejected.

7. Logan et al. additionally disclose the system of claim 18, wherein the *kiosk* computer includes a data display, and the system further comprises: logic means for enabling the *supervisor* computer to select a hyperlink on the Web page; logic means for decoding the URL associated with the hyperlink; logic means for retrieving the associated Web page to the *remote* site; logic means for causing the active control at the *kiosk* computer to cooperate with the *kiosk* Web browser to download the associated Web page from the *remote* site; and logic means for reporting to the *supervisor* computer the status of the *kiosk* computer display, col 3 line 31 - col 16 line 56, FIG 1. The *supervisor* computer decodes and retrieves Web pages for transfer to the *kiosk* computer using control files. The *kiosk* computer reports display status to the *supervisor* computer by a SLIP/PPP connection. By this rationale, claim 19 is rejected.

8. Logan et al. additionally disclose the system of claim 19 in combination with a computer network, ABSTRACT, FIG 1. The system is network based. By this rationale, claim 20 is rejected.

9. Claims 1-14 are media and method claims which corellate to the rejected system claims 15-20 and are rejected on the same basis.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art is cited in the attached PTO-892. Applicant is encouraged to

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consider this art in amending the claims and to provide any relevant analysis regarding the relevance of this art as regards patentability of the claimed invention. Further, Applicant is encouraged to submit any other relevant art which may be pertinent for consideration by the Examiner. See 37 CFR § 1.56.

**8. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9731, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

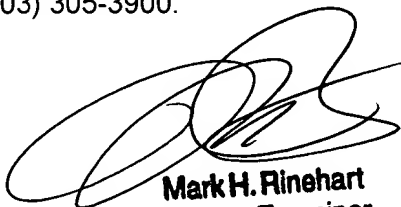
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Rinehart whose telephone number is (703) 305-4815. The examiner can normally be reached on Monday through Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisory Primary Examiner Frank J. Asta, can be reached on (703) 305-3817. The fax phone number for Technology Center 2700 is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mark H. Rinehart  
Primary Examiner  
Art Unit 2756



  
**Mark H. Rinehart**  
Primary Examiner